

FEDERAL AND STATE EQUAL EMPLOYMENT OPPORTUNITY LAWS

Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act (1972), The Pregnancy Discrimination Act (1978) and the Civil Rights Act of 1991

Covered:

Employers with 15 or more employees in Federal, State and Local governments and private employment.

Requirements:

Neither the employer or its representatives; i.e. managers, supervisors, etc., shall discriminate in selection, promotion, compensation, fringe benefits, training, or other conditions of employment based on race, sex, (including pregnancy), color, religion, or national origin.

Executive Order 11246

Covered:

Employees holding contracts or subcontracts of \$50,000 or more. Some branches of State or Local government.

Requirements:

Neither the employer or its representatives; i.e. managers, supervisors, etc. shall discriminate in selection, promotion, compensation, fringe benefits, training, or other conditions of employment based on race, sex, (including pregnancy), color, religion, national origin. Harassment (sexual, etc.) is a kind of prohibited discrimination. A written affirmative action plan for minorities and women is required of employers with federal contracts of \$50,000 or more.

Equal Pay Act of 1963

Covered:

Most employers, including federal, state and local governments.

Requirements:

Discrimination on the basis of sex in the provision of salary or fringe benefits is illegal where work is equal or in work that requires equal skill, effort and responsibility and is performed under the same working conditions.

Age Discrimination in Employment Act of 1967 as amended May 1, 1974

Covered:

Any employer with 20 or more employees who work 20 or more calendar weeks in a year. Covers federal, state and local governments.

Requirements:

Neither employer nor employer's representatives may "fail, refuse to hire or discharge any individual or otherwise discriminate with respect to his compensation, terms, conditions or privileges of employment because of such individual's age." (Covers individuals 40 years of age and older.)

Rehabilitation Act of 1973

Covered:

Employers with federal contracts or subcontracts. Sections 501, 503 & 504 cover federal government.

Requirements:

Government contractors and subcontractors must take affirmative action to employ and advance in employment qualified persons with disabilities. Neither government contractors, subcontractors, nor their

representatives may discriminate against such persons because of their physical or mental disability in any employment practice (hiring, training, compensation, upgrading, etc.)

Vietnam Era Veterans Readjustment Assistance Acts

Covered:

Employees with federal contracts or subcontracts of \$10,000 or more.

Requirements:

Government contractors and subcontractors must take affirmative action to employ and advance in employment, qualified special disabled veterans of the Vietnam era.

Immigration Reform and Control Act of 1986, Section 102

Covered:

Private employees with four or more employees.

Requirements:

Discrimination in employment (hiring, recruitment, referral for a fee, or discharging) on the basis of a person's national origin or citizenship status is unlawful against any person (other than illegal aliens).

Civil Rights Restoration Act of 1988

Covered:

Departments and agencies of state and local governments when any part of them receive federal funds. Entire colleges, universities and public school systems, if any program or activity receives federal funds. Federal fund recipients which are corporations and private organizations that provide education, health care, housing, social services, parks or recreation.

Requirements:

Discrimination on the basis of race, sex, age or persons with disabilities is unlawful for

all entities (or portions of that entity) that receives federal funds.

The Americans with Disabilities Act of 1990

Covered:

Public and private employers with 15 or more employees.

Requirements:

Equal employment opportunity must be provided to qualified individuals with disabilities in all employment related activities. It expands the legal responsibilities of the Rehabilitation Act of 1973. Employers are required to provide reasonable accommodations for a disability when needed in order for a qualified employee to perform the essential functions of the job in questions or to participate in any other employment related activity. Employers must also provide a reasonable accommodation for an applicant when the accommodation is needed in order for the applicant to have equal employment opportunity in the application process. Discrimination on the basis of disability against any qualified individual in any employment related activity is prohibited.

Civil Rights Act of 1991

Covered:

Public and private employees with 15 more employees.

Requirements:

It amends Title VII of the 1964 Civil Rights Act, places a heavier burden on employers attempting to defend themselves against discrimination charges. The act allows compensatory and punitive damage awards in cases of intentional discrimination, including cases brought under the Americans with Disabilities Act. Employers defending a Title VII disparate treatment impact challenge to an employment practice,

including employment tests, however, must show that the practice is job-related for the particular position in question and consistent with a business necessity. Lawful affirmative action measures are not subjected to challenge alleging discrimination against classes other than those the measures are designed to benefit. It also allows for jury trials and punitive and compensatory damages.

North Carolina General Statute 126-6

Covered:

Applicants for State Employment

Requirements:

State departments, agencies, universities, local political subdivisions may not discriminate based on race, sex, age (40+), color, national origin, religion, or disability as defined in G.S. 168A-3, except where specific age, sex, or physical requirement constitute a bona fide occupational qualification.

North Carolina General Statute 126-17

Covered:

State and local government employees subject to the State Personnel Act

Requirements:

State departments, agencies, universities, political subdivisions or their employees may not retaliate against employees protesting alleged violations of 126-16.

North Carolina General Statute 126-36

Covered: Current and former state employees.

Requirements: Such persons may not be discriminated against in employment because of race, age (40+), sex, color, national origin, religion, creed, political affiliation, except where specific age, sex or physical requirements constitute bona fide occupational qualifications.

North Carolina General Statute 126-36-1

Covered:

Applicants for State Employment

Requirements:

Persons who have reason to believe that employment was denied in violation of NC GS 126-16 have the right to appeal to the State Personnel Commission.

North Carolina General Statute 168A-5-11

Covered:

Employees with 15 or more full-time workers within the state. Excludes employers whose only employees are domestic or farm workers at that person's home or farm;

Requirements:

Employers, employment agencies, apprenticeship program controllers are prohibited from discriminating against qualified persons with disabilities on the basis of the disabling condition and privileges of employment, and admission to, or employment programs established to provide apprenticeship or other training.

North Carolina General Statute 75B 1-7

Covered:

Persons doing business in the state of NC.

Requirements:

Persons doing business in state and the State may not enter into a contract which requires them to refuse to do business with a third person because of that person's race, color, creed, religion, sex, national origin or foreign trade relationship.

North Carolina General Statute 95-151

Covered:

Employers and employees

Requirements:

Employers nor employees can not be discriminated against in employment/work

procedure because of race, sex, national origin, religious or political affiliation.

North Carolina General Statute 127B-10-15

Covered:

Employees/Applicants who are members of the Armed Forces

Requirements:

Prohibits private persons and governmental agencies from discriminating against an individual because of such individual's membership in the United States Armed Forces. Applies to employment and access to public places of entertainment, amusement and accommodation.

North Carolina General Statute 130A-148(i)

Covered:

Employees with the AIDS virus or HIV infection.

Requirements: Employers may not deny continued employment to person because he/she possesses AIDS virus or HIV infection.